

AQAA
DAR COUNCIL ACTIVITY REPORT
25 Jun 1997

FAR/DFARS Cases Discussed:

94-610	Implementation of executive Order 12933: Implements EO 12933 which requires that building service contract workers have right of first refusal with successor contractor.	Discussed with Tom Obert of CAAC Labor Cmte. Agreed to draft interim rule, as edited.
95-017	Final Overhead Settlement (PAT): Revises FAR 42.705 to help reduce the time needed for settlement of final overhead rates. NASA preferred to retain language stating that the “contracting officer should determine the cause and take appropriate action” when the contractor repeatedly requests extensions for submittal of its proposal. OSD wanted language deleted.	Agreed to draft final rule (deleting the language in question), with minority (NASA) opinion .
92-054B	Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements: Implements OFPP Policy Letter 92-4 and Executive Order 12873.	Agreed to draft final rule.
96-D024	Earned Value Management Systems: Streamlines DoD practices and formally recognizes USD(A&T) policy adopting Industry Guidelines for Earned Value Management Systems (EVMS) in lieu of former DoD-unique criteria. Addresses public comments regarding interim rule. DLA submitted reclama comments regarding prescriptive language, restrictiveness of requirements, compliance with EVMS criteria, and acceptance by DoD.	DLA reclama comments accepted. Agreed to final rule, as edited.
97-D017	Test Contract Format: Provides for an alternative solicitation/contract format. At issue: whether to form a new ad hoc committee to study the problem further, or, to continue with a limited test now.	Tabled until 07/09/97.
97-D023	Designation of Hong Kong--DFARS: Implements direction of US Trade Representative (USTR) to treat products of Hong Kong as eligible products under the Trade Agreements Act, effective 06/19/97. Even though Executive Order 12260, that delegates Presidential authority under 19 USC 2511 to the USTR, has not been updated to reflect the Uruguay Round agreements, and still excludes the Army Corps of Engineers, the Agreement on Government Procurement does not exclude the Army Corps of Engineers. The USTR stated that the designation of Hong Kong is applicable to the entire DoD, including the Army Corps of Engineers.	Agreed to final rule.

NOTE: Director, Defense Procurement has accepted the nominations of Ms. Margaret K. Patterson of the Army as Chair, Taxes Committee, and Mr. Gregory Noonan of the Army Corps of Engineers as Chair, DFARS Labor Committee.